

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: § Group Art Unit: 2131
Traversat, et al. § § Examiner: Chen, Shin Hon
§ § Atty. Dkt. No.: 5181-64800
§ § P4979
Serial No. 09/653,227 § §
§ §
§ §
§ §
Filed: August 31, 2000 § §
§ §
For: Message Authentication Using § §
Message Gates in a Distributed § §
Computing Environment § §
§ §
§ §
§ §

REPLY BRIEF

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal filed on July 10, 2007 and in response to the Examiner's Answer mailed August 7, 2007, Appellants present this Reply Brief.

STATUS OF CLAIMS

Claims 1-6, 8-13, 15-21, 23-31, 33-36, 38-45, 47, 49-53, 55-59, 61-67, 69, 70 and 72 are pending and stand finally rejected. Claims 7, 32 and 48 are cancelled. Claims 14, 22, 37, 46, 54, 60, 68 and 71 would be allowable if rewritten in independent form. The rejection of claims 1-6, 8-13, 15-21, 23-31, 33-36, 38-45, 47, 49-53, 55-59, 61-67, 69, 70 and 72 is being appealed. A copy of claims 1-6, 8-13, 15-21, 23-31, 33-36, 38-45, 47, 49-53, 55-59, 61-67, 69, 70 and 72 is included in the Claims Appendix of Applicant's Appeal Brief.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-6, 8-31, 33-47 and 49-72 were previously provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of co-pending Application No. 09/653,215. However, the Examiner has withdrawn this ground of rejection (Examiner's Answer, mailed August 7, 2007). As such, only grounds of rejection 2-5 below are being appealed.

2. Claims 1, 2, 8-13, 15-17, 20, 21 and 23-26 stand finally rejected under 35 U.S.C. § 102(a) as being anticipated by Adams (U.S. Patent 6,718,470).

3. Claims 3-6, 18 and 19 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Czerwinski, et al. ("An Architecture for a Secure Service Discovery Service") (hereinafter "Czerwinski").

4. Claims 27, 28, 33-36, 38-43, 47, 49-51, 56-59, 61-63, 66, 67, 69, 70 and 72 stand finally rejected under 35 U.S.C. § 102(a) as being anticipated by Adams.

5. Claims 29-31, 44-45, 52, 53, 55, 64 and 65 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Czerwinski.

Furthermore, the Examiner has also consolidated the above grounds of rejection into two grounds of rejection. However, Applicants' Appeal Brief is organized according to the previous (5) grounds of rejection.

REPLY TO EXAMINER'S ANSWER

The Rejection and Response to Arguments sections of the Examiner's Answer mailed August 7, 2007 are essentially identical to the previous Examiner's Answer (mailed October 4, 2006). All points raised by the Examiner have been fully rebutted in Appellants' Appeal Brief filed July 10, 2007. Appellants' refer to the Arguments section of the Appeal Brief filed July 10, 2007 which already rebuts the Examiner's response presented in the Examiner's Answer of October 4, 2006 and repeated in the Examiner's Answer of August 7, 2007.

CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-6, 8-13, 15-21, 23-31, 33-36, 38-45, 47, 49-53, 55-59, 61-67, 69, 70 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to any fee that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-64800/RCK.

Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
Attorney for Appellants

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8850

Date: October 9, 2007